

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
GOVERNMENT EMPLOYEES INSURANCE CO., GEICO
INDEMNITY CO., GEICO GENERAL INSURANCE
COMPANY and GEICO CASUALTY CO.,

Plaintiff(s),

-against-

ALBERT VAYNSHTEYN; CARDENAL MANAGEMENT
CORP.; and BORO HEALTH MANAGEMENT, LLC,

Defendants.
-----X

Docket # 15-cv-537
**ANSWER AND
AFFIRMATIVE DEFENSES
OF ALBERT
VAYNSHTEYN;
CARDENAL
MANAGEMENT CORP.;
and BORO HEALTH
MANAGEMENT, LLC**

Defendants Albert Vaynshteyn; Cardenal Management Corp.; and Boro Health Management, LLC (hereinafter collectively "Defendants") by their attorney, Andrew S. Rendeiro, Esq., answer the Complaint of Plaintiffs, GOVERNMENT EMPLOYEES INSURANCE CO., GEICO INDEMNITY CO., GEICO GENERAL INSURANCE COMPANY and GEICO CASUALTY CO., (hereinafter "Plaintiffs or "Geico") as follows:

NATURE OF ACTION

1. Defendants deny the allegations as they pertain to defendants and deny having sufficient information and/or knowledge to form a belief as to the truth of the allegations as they pertain to the other defendants.

2. Defendants deny the allegations as they pertain to defendants and deny having sufficient information and/or knowledge to form a belief as to the truth of the allegations as they pertain to the other defendants.

3. Defendants deny the allegations as they pertain to defendants and deny having sufficient information and/or knowledge to form a belief as to the truth of the allegations as they pertain to the other defendants.

4. Defendants deny the allegations as they pertain to defendants and deny having sufficient information and/or knowledge to form a belief as to the truth of the allegations as they pertain to the other defendants.

5. Defendants deny the allegations as they pertain to defendants and deny having sufficient information and/or knowledge to form a belief as to the truth of the allegations as they pertain to the other defendants.

6. Defendants deny the allegations as they pertain to defendants and deny having sufficient information and/or knowledge to form a belief as to the truth of the allegations as they pertain to the other defendants.

7. Defendants deny the allegations as they pertain to defendants and deny having sufficient information and/or knowledge to form a belief as to the truth of the allegations as they pertain to the other defendants.

8. Defendants deny the allegations as they pertain to defendants and deny having sufficient information and/or knowledge to form a belief as to the truth of the allegations as they pertain to the other defendants.

9. Defendants deny the allegations as they pertain to defendants and deny having sufficient information and/or knowledge to form a belief as to the truth of the allegations as they pertain to the other defendants.

10. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

11. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

12. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

13. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

14. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

15. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

16. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

17. Defendant Albert Vaynshteyn admits that he resides in and is a citizen of the State of New York. Defendant Albert Vaynshteyn denies all other allegations therein.

18. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

19. Defendants Boro Health Managements admits that it is a New York corporation with its principal place of business in New York. Defendant Boro Health Management denies all other allegations therein.

20. Defendant Cardenal Management Corp. admits that it is a New York corporation with its principal place of business in New York. Defendant Cardenal Management Corp. denies all other allegations therein.

21. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

22. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

23. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

24. Defendants deny that they have knowledge or information sufficient to form a belief as to

the truth of the allegations contained therein.

JURISDICTION AND VENUE

25. Defendants aver that the allegations state conclusions of law and/or fact to which no responsive pleading is required.

26. Defendants aver that the allegations state conclusions of law and/or fact to which no responsive pleading is required.

ALLEGATIONS COMMON TO ALL CLAIMS

I. An Overview of the No-Fault Laws and Licensing Statutes

27. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

28. Defendants are unable to answer this allegation as it calls for a legal conclusion.

29. Defendants are unable to answer this allegation as it calls for a legal conclusion.

30. Defendants are unable to answer this allegation as it calls for a legal conclusion.

31. Defendants are unable to answer this allegation as it calls for a legal conclusion.

32. Defendants are unable to answer this allegation as it calls for a legal conclusion.

33. Defendants are unable to answer this allegation as it calls for a legal conclusion.

34. Defendants are unable to answer this allegation as it calls for a legal conclusion.

35. Defendants are unable to answer this allegation as it calls for a legal conclusion.

36. Defendants are unable to answer this allegation as it calls for a legal conclusion.

37. Defendants are unable to answer this allegation as it calls for a legal conclusion.

38. Defendants are unable to answer this allegation as it calls for a legal conclusion.

39. Defendants are unable to answer this allegation as it calls for a legal conclusion.

40. Defendants are unable to answer this allegation as it calls for a legal conclusion.

II. The Fraudulent Incorporation and Operation of the PC Defendants

A. Overview of Defendants' Fraudulent Scheme

41. Defendants deny the allegations as they pertain to defendants and deny having sufficient information and/or knowledge to form a belief as to the truth of the allegations as they pertain to the other defendants.

42. Defendants deny the allegations as they pertain to defendants and deny having sufficient information and/or knowledge to form a belief as to the truth of the allegations as they pertain to the other defendants.

B. Professional Health Imaging, P.C.

43. Defendants deny the allegations as they pertain to defendants and deny having sufficient information and/or knowledge to form a belief as to the truth of the allegations as they pertain to the other defendants.

44. Defendants deny the allegations as they pertain to defendants and deny having sufficient information and/or knowledge to form a belief as to the truth of the allegations as they pertain to the other defendants.

45. Defendants deny the allegations as they pertain to defendants and deny having sufficient information and/or knowledge to form a belief as to the truth of the allegations as they pertain to the other defendants.

46. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

47. Defendants deny the allegations as they pertain to defendants and deny having sufficient information and/or knowledge to form a belief as to the truth of the allegations as they pertain to the other defendants.

48. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

49. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

50. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

51. Defendants deny the allegations as they pertain to defendants and deny having sufficient information and/or knowledge to form a belief as to the truth of the allegations as they pertain to the other defendants.

52. Defendants deny the allegations as they pertain to defendants and deny having sufficient information and/or knowledge to form a belief as to the truth of the allegations as they pertain to the other defendants.

53. Defendants deny the allegations as they pertain to defendants and deny having sufficient information and/or knowledge to form a belief as to the truth of the allegations as they pertain to the other defendants.

54. Defendants deny the allegations as they pertain to defendants and deny having sufficient information and/or knowledge to form a belief as to the truth of the allegations as they pertain to the other defendants.

55. Defendants deny the allegations as they pertain to defendants and deny having sufficient information and/or knowledge to form a belief as to the truth of the allegations as they pertain to the other defendants.

56. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

57. Defendants deny the allegations as they pertain to defendants and deny having sufficient information and/or knowledge to form a belief as to the truth of the allegations as they pertain to the other defendants.

58. Defendants deny the allegations as they pertain to defendants and deny having sufficient information and/or knowledge to form a belief as to the truth of the allegations as they pertain to the other defendants.

59. Defendants deny the allegations as they pertain to defendants and deny having sufficient information and/or knowledge to form a belief as to the truth of the allegations as they pertain to the other defendants.

60. Defendants deny the allegations as they pertain to defendants and deny having sufficient information and/or knowledge to form a belief as to the truth of the allegations as they pertain to the other defendants.

61. Defendants deny the allegations as they pertain to defendants and deny having sufficient information and/or knowledge to form a belief as to the truth of the allegations as they pertain to the other defendants.

62. Defendants deny the allegations as they pertain to defendants and deny having sufficient information and/or knowledge to form a belief as to the truth of the allegations as they pertain to the other defendants.

63. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

64. Defendants deny the allegations as they pertain to defendants and deny having sufficient information and/or knowledge to form a belief as to the truth of the allegations as they pertain to the other defendants.

C. Professional Health Radiology, P.C.

65. Defendants deny the allegations as they pertain to defendants and deny having sufficient information and/or knowledge to form a belief as to the truth of the allegations as they pertain to the other defendants.

66. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

67. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

68. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

69. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

70. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

71. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

72. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

73. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

74. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

75. Defendants deny the allegations as they pertain to defendants and deny having sufficient

information and/or knowledge to form a belief as to the truth of the allegations as they pertain to the other defendants.

76. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

77. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

78. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

79. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

80. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

81. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

82. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

D. Community Medical Imaging, P.C.

83. Defendants deny the allegations as they pertain to defendants and deny having sufficient information and/or knowledge to form a belief as to the truth of the allegations as they pertain to the other defendants.

84. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

85. Defendants deny that they have knowledge or information sufficient to form a belief as to

the truth of the allegations contained therein.

86. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

87. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

88. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

89. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

90. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

91. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

92. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

93. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

94. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

95. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

96. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

97. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

98. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

99. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

100. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

101. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

102. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

103. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

104. Defendants deny the allegation as it calls for a legal conclusion that is unfounded.

105. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

106. Defendants are unable to answer the allegation as it calls for a legal conclusion..

107. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

108. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

109. Defendants deny that they have knowledge or information sufficient to form a

belief as to the truth of the allegations contained therein.

110. Defendants deny the allegations as they pertain to defendants and deny having sufficient information and/or knowledge to form a belief as to the truth of the allegations as they pertain to the other defendants.

111. Defendants deny the allegations as they pertain to defendants and deny having sufficient information and/or knowledge to form a belief as to the truth of the allegations as they pertain to the other defendants.

III. The Fraudulent Billing for Services Provided by Independent Contractors

112. Defendants deny the allegations as they pertain to defendants and deny having sufficient information and/or knowledge to form a belief as to the truth of the allegations as they pertain to the other defendants.

113. Defendants deny the allegations as they pertain to defendants and deny having sufficient information and/or knowledge to form a belief as to the truth of the allegations as they pertain to the other defendants..

114. Defendants deny the allegations as they pertain to defendants and deny having sufficient information and/or knowledge to form a belief as to the truth of the allegations as they pertain to the other defendants.

115. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

116. Defendants deny the allegations as they pertain to defendants and deny having sufficient information and/or knowledge to form a belief as to the truth of the allegations as they pertain to the other defendants.

117. Defendants deny that they have knowledge or information sufficient to form a

belief as to the truth of the allegations contained therein.

IV. Dr. Bakst's Failure to Practice Medicine Through PHI and PHR

118. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

119. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

120. Defendants are unable to answer the allegation as it calls for a legal conclusion.

121. Defendants are unable to answer the allegation as it calls for a legal conclusion.

122. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

123. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

124. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

125. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

126. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

V. The Fraudulent NF-3 Forms Submitted to GEICO

127. Defendants deny the allegations as they pertain to defendants and deny having sufficient information and/or knowledge to form a belief as to the truth of the allegations as they pertain to the other defendants.

128. Defendants deny the allegations as they pertain to defendants and deny having

sufficient information and/or knowledge to form a belief as to the truth of the allegations as they pertain to the other defendants.

VI. Defendants' Fraudulent Concealment and GEICO's Justifiable Reliance

129. Defendants deny that they have knowledge and/or information sufficient to form a basis as to the truth of the allegation contained herein.

130. Defendants deny the allegations as they pertain to defendants and deny having sufficient information and/or knowledge to form a belief as to the truth of the allegations as they pertain to the other defendants.

131. Defendants deny the allegations as they pertain to defendants and deny having sufficient information and/or knowledge to form a belief as to the truth of the allegations as they pertain to the other defendants.

132. Defendants deny the allegations as they pertain to defendants and deny having sufficient information and/or knowledge to form a belief as to the truth of the allegations as they pertain to the other defendants.

133. Defendants deny the allegations as they pertain to defendants and deny having sufficient information and/or knowledge to form a belief as to the truth of the allegations as they pertain to the other defendants.

134. Defendants deny the allegations as they pertain to defendants and deny having sufficient information and/or knowledge to form a belief as to the truth of the allegations as they pertain to the other defendants.

135. Defendants deny the allegations as they pertain to defendants and deny having sufficient information and/or knowledge to form a belief as to the truth of the allegations as they pertain to the other defendants.

136. Defendants deny the allegations as they pertain to defendants⁵ and defendants deny having sufficient information and/or knowledge to form a belief as to the truth of the allegations as they pertain to the other defendants.

137. Defendants deny the allegations as they pertain to defendants and deny having information and/or knowledge sufficient to form a belief as to the truth of the allegations as they pertain to the other defendants.

138. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

139. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

140. Defendants deny the allegations as they pertain to defendants⁵ and deny having sufficient information and/or knowledge to form a belief as to the truth of the allegations as they pertain to the other defendants.

FIRST CAUSE OF ACTION
Against All Defendants
(Declaratory Judgment – 28 U.S.C. §§ 2201 and 2202)

141. Defendants incorporate and reallege, as though fully set forth herein, each and every answer set forth above.

142. Defendants deny the allegations as they pertain to defendants and deny having sufficient information and/or knowledge to form a belief as to the truth of the allegations as they pertain to the other defendants.

143. Defendants deny the allegations as they pertain to defendants⁸ and deny having sufficient information and/or knowledge to form a belief as to the truth of the allegations as they pertain to the other defendants.

144. Defendants deny the allegations as they pertain to defendants and deny having sufficient information and/or knowledge to form a belief as to the truth of the allegations as they pertain to the other defendants.

145. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

146. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

147. Defendants deny the allegations as they pertain to defendants and deny having sufficient information and/or knowledge to form a belief as to the truth of the allegations as they pertain to the other defendants.

SECOND CAUSE OF ACTION

**Against Dr. Bakst, Albert, Grigoriy, Yuabov, Boro Management,
Boro Health, and Cardenal Management Corp
(Violation of RICO, 18 U.S.C. § 1962(c))**

148. Defendants incorporate and reallege, as though fully set forth herein, each and every answer set forth above.

149. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

150. Defendants deny the allegations as they pertain to defendants and deny having sufficient information and/or knowledge to form a belief as to the truth of the allegations as they pertain to the other defendants.

151. Defendants deny the allegations as they pertain to defendants and deny having sufficient information and/or knowledge to form a belief as to the truth of the allegations as they pertain to the other defendants.

152. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

153. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

154. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

THIRD CAUSE OF ACTION

**Against Dr. Bakst, Albert, Grigoriy, Yuabov, Boro Management,
Boro Health, and Cardenal Management Corp.
(Violation of RICO, 18 U.S.C. § 1962(d))**

155. Defendants incorporate and reallege, as though fully set forth herein, each and every answer set forth above.

156. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

157. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

158. Defendants deny the allegations as they pertain to defendants and deny having sufficient information and/or knowledge to form a belief as to the truth of the allegations as they pertain to the other defendants.

159. Defendants deny the allegations as they pertain to defendants and deny having sufficient information and/or knowledge to form a belief as to the truth of the allegations as they pertain to the other defendants.

160. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

161. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

FOURTH CAUSE OF ACTION

**Against PHI, Dr. Bakst, Albert, Grigoriy, Yuabov, Boro Management,
Boro Health, and Cardenal Management Corp.
(Common Law Fraud)**

162. Defendants incorporate and reallege, as though fully set forth herein, each and every answer set forth above.

163. Defendants deny the allegations as they pertain to defendants and deny having sufficient information and/or knowledge to form a belief as to the truth of the allegations as they pertain to the other defendants.

164. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

165. Defendants deny the allegations as they pertain to defendants and deny having sufficient information and/or knowledge to form a belief as to the truth of the allegations as they pertain to the other defendants.

166. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

167. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

168. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

FIFTH CAUSE OF ACTION

**Against PHI, Dr. Bakst, Albert, Grigoriy, Yuabov, Boro Management,
Boro Health, and Cardenal Management Corp.
(Unjust Enrichment)**

169. Defendants incorporate and reallege, as though fully set forth herein, each and every answer set forth above.

170. Defendants deny the allegations as they pertain to defendants and deny having sufficient information and/or knowledge to form a belief as to the truth of the allegations as they pertain to the other defendants.

171. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

172. Defendants deny the allegations as they pertain to defendants and deny having sufficient information and/or knowledge to form a belief as to the truth of the allegations as they pertain to the other defendants.

173. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

174. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

SIXTH CAUSE OF ACTION
Against Dr. Bakst, Grigoriy, and Quality Health
(Violation of RICO, 18 U.S.C. § 1962(c))

175. Defendants incorporate and reallege, as though fully set forth herein, each and every answer set forth above.

176. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

177. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

178. Defendants deny that they have knowledge or information sufficient to form a

belief as to the truth of the allegations contained therein.

179. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

180. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

181. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

SEVENTH CAUSE OF ACTION
Against Dr. Bakst, Grigoriy, and Quality Health
(Violation of RICO, 18 U.S.C. § 1962(d))

182. Defendants incorporate and reallege, as though fully set forth herein, each and every answer set forth above.

183. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

184. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

185. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

186. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

187. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

188. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

EIGHTH CAUSE OF ACTION
Against PHR, Dr. Bakst, Grigoriy, and Quality Health
(Common Law Fraud)

189. Defendants incorporate and reallege, as though fully set forth herein, each and every answer set forth above.

190. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

191. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

192. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

193. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

194. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

195. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

NINTH CAUSE OF ACTION
Against PHR, Dr. Bakst, Grigoriy, and Quality Health
(Unjust Enrichment)

196. Defendants incorporate and reallege, as though fully set forth herein, each and every answer set forth above.

197. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

198. Defendants deny that they have knowledge or information sufficient to form a

belief as to the truth of the allegations contained therein.

199. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

200. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

201. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

TENTH CAUSE OF ACTION
Against Dr. McDonnell, Grigoriy, Pronet, and Marketing LLC
(Violation of RICO, 18 U.S.C. § 1962(c))

202. Defendants incorporate and reallege, as though fully set forth herein, each and every answer set forth above.

203. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

204. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

205. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

206. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

207. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

208. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

ELEVENTH CAUSE OF ACTION

**Against Dr. McDonnell, Grigoriy, Pronet, and Marketing LLC
(Violation of RICO, 18 U.S.C. § 1962(d))**

209. Defendants incorporate and reallege, as though fully set forth herein, each and every answer set forth above.

210. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

211. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

212. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

213. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

214. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

215. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

TWELFTH CAUSE OF ACTION

**Against CMI, Dr. McDonnell, Grigoriy, Pronet, and Marketing LLC
(Common Law Fraud)**

216. Defendants incorporate and reallege, as though fully set forth herein, each and every answer set forth above.

217. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

218. Defendants deny that they have knowledge or information sufficient to form a

belief as to the truth of the allegations contained therein.

219. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

220. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

221. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

222. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

THIRTEENTH CAUSE OF ACTION
Against CMI, Dr. McDonnell, Grigoriy, Pronet, and Marketing LLC
(Unjust Enrichment)

223. Defendants incorporate and reallege, as though fully set forth herein, each and every answer set forth above.

224. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

225. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

226. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

227. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

228. Defendants deny that they have knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

WHEREFORE CLAUSE

Defendants deny the allegations contained therein as they pertain to defendants, and deny having knowledge and information sufficient to form a belief as to the truth of the allegations against the other defendants.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

229. Plaintiffs have failed to state a claim upon which relief may be granted against the defendants.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

230. Plaintiffs complaint is barred by the Statute of Limitations.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

231. Plaintiffs have failed to plead fraud with the requisite particularity.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

232. Plaintiffs' claims against defendants are barred in whole or in part, by the doctrine of laches.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

233. Plaintiffs' claims against defendants are barred in whole or in part, by the doctrine of waiver and estoppel.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE

234. Plaintiffs have failed to properly plead a valid cause of action against defendants under the Racketeer Influenced and Corrupt Organizations Act ("RICO").

AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE

235. Defendants are not proper parties under RICO, and did not commit any improper acts or omissions that would give rise to a valid cause of action under RICO.

AS AND FOR A EIGHTH AFFIRMATIVE DEFENSE

236. Plaintiffs' Complaint against defendants is barred by plaintiffs' failure to file in the proper venue.

AS AND FOR A NINTH AFFIRMATIVE DEFENSE

237. Plaintiffs' claims against defendants are barred in whole or in part because plaintiffs have sustained no actual damages.

AS AND FOR A TENTH AFFIRMATIVE DEFENSE

238. Plaintiffs' alleged damages as to defendants are speculative and/or otherwise not recoverable; therefore, plaintiffs are not entitled to any relief.

AS AND FOR A ELEVENTH AFFIRMATIVE DEFENSE

239. Plaintiffs' claims against defendants are barred in whole or in part, because the plaintiffs' injuries, if any, were caused in whole or in part, by one or more third-parties not under control of the defendants.

AS AND FOR A TWELFTH AFFIRMATIVE DEFENSE

240. Plaintiffs failed to mitigate their damages, if any.

AS AND FOR A THIRTEENTH AFFIRMATIVE DEFENSE

241. Plaintiffs are barred from challenging payment and/or seeking reimbursement for claims based upon services that were provided pursuant to New York State statutory, administrative and regulatory authority including, but not limited to, Insurance Law § 5106 and 11 NYCRR 65.15, since claims were submitted in a timely fashion.

AS AND FOR A FOURTEENTH AFFIRMATIVE DEFENSE

242. Under the New York State Insurance Law, the plaintiffs are not permitted to

challenge payment or reimbursement for insurance claims on grounds concerning ownership, organization, and/or corporate structure of a medical practice.

AS AND FOR A FIFTEENTH AFFIRMATIVE DEFENSE

243. Plaintiffs are barred from asserting claims in Complaint by reasons of their failure to include a necessary party to this litigation.

AS AND FOR A SIXTEENTH AFFIRMATIVE DEFENSE

244. Plaintiffs' claims are premature and barred in the Court because they have failed to offer an opportunity to arbitrate the claims comprising plaintiffs' Complaint, which is a condition precedent to maintenance of this action.

AS AND FOR A SEVENTEENTH AFFIRMATIVE DEFENSE

245. Defendants are not personally liable for the claims in plaintiffs' Complaint under New York Law, including without limitation, the Business Corporation Law.

AS AND FOR A EIGHTEENTH AFFIRMATIVE DEFENSE

246. Plaintiffs' Complaint fails to properly plead a valid cause of action for unjust enrichment against the defendants.

AS AND FOR A NINETEENTH AFFIRMATIVE DEFENSE

247. Any conduct or action taken by or on behalf of defendants related to the allegations in plaintiffs' Complaint, if any, were proper and performed in good faith, without any intent to defraud, mislead or violate any law or regulation.

JURY DEMAND


248. Defendants demand a trial by jury.

WHEREFORE, defendants demand that the Complaint in this action be dismissed against them in its entirety.

DATED: Brooklyn, New York
May 26, 2015

FLAMHAFT LEVY HIRCH & RENDEIRO LLP
16 Court Street, Suite 3301
Brooklyn, New York 11241
(718) 237-1900

By:



ANDREW S. RENDEIRO, ESQ.

To: Barry I. Levy
RIVKIN RADLER LLP
Counsel for Plaintiffs
926 RXR Plaza
Uniondale, New York 11556